



**North Carolina Department of Health and Human Services**  
**Division of Mental Health, Developmental Disabilities and Substance Abuse Services**  
**State Consumer and Family Advisory Committee**  
P.O. Box 470186 • Charlotte, North Carolina 28247

Michael F. Easley, Governor  
Carmen Hooker Odom, Secretary

Michael Moseley, Director  
Jere Annis, Chairperson

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**SCFAC Recommendations**

Communication Bulletin #30 Draft Policy for Consumer Complaints to Area/County Program
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**Part I. Rights Section**

1. The SCFAC would like the following statement added to the Policy, "Consumers may also contact the Governor's Advocacy Council for Persons with Disabilities regarding complaints or concerns". (GACPD)
2. It was suggested that any policy the state creates should be in line with those accrediting bodies' requirements so time lines, etc. will be standard around the state. That way, all policies will be consistent and even Area Programs can have the same policy guidelines as LMEs.
3. There are concerns surrounding the fact that Client Rights committees may not be able to meet the timelines noted in the policy, because the Client Rights committee members are volunteers. Some committees only meet quarterly. (We have found that committees often meet monthly. We understand your concern.)
4. Another option to review if Client Rights Committees are going to be mandated to assist with the work of the Division and the LME on a 24/7/365 basis, then those need to be paid funded positions.
5. Timelines for conflict resolution should be clarified. (Information detailed in B.R.'s handout, which was provided at the meeting)
6. The SCFAC is very concerned that 80 days will be too long for an investigation. (We reported that these timelines are established in law. Other state agencies such as Division of Facility Services and Department of Social Services immediately investigate concerns regarding health and safety issues. Note that LMEs can complete the jobs sooner than the deadlines.)
7. It is recommended that Client Rights committees have a quarterly report of the complaints submitted to the LME regarding status of the complaint and resolution. (We agree)
8. Provide people with a detailed outline of human rights violations and keep the footnote at the bottom of page 1 which states "including, but not limited to, G.S. 122-C Article 3, NCAC T 10A 26B.
9. There needs to be more clarity and specific outlined information with regards to what types of violations should be reviewed by client rights committees (i.e., Treated with Dignity is in the law, How to define general terms).
10. Do the Client Rights committee's recommendations go to the Area Boards? (This is determined by each Area Board, because Client Rights committees are agents of the Area Boards.)

**Part II. Service Decision Complaints**

11. How do you ensure that physicians are objective? Formalize an "objective review" by physician. In addition, another physician may not be directly involved in the care of a consumer, but the two physicians may be friends.



12. Please be more specific as to what would be included in the second physician's review. Will the second review just include reviewing the clinical notes, or will other evidence be considered (i.e., consumers being interviewed for any additional information, or an objective review by the doctor). SCFAC is Recommending face-to-face contact with the consumers and more specific guidelines for reviewers.
13. With an emergency (i.e., suicide), 48 hours may be too long to wait for a second review. (In no way will emergency protocols for health and safety be interrupted.)
14. Provide clarification that after the date that a service is reduced, suspended or terminated, services will not be continued during the complaint process.
15. The SCFAC recommends that consumers are given at least 10 days to file a complaint after receipt of the service decision notification letter. (Please note that it is hard to verify when a person receives a letter. However, we recommend that consumers be allowed to file late complaints if consumer can show "good cause" for the delay.)

#### **Overall Feedback Regarding the Draft Policy**

16. Provide a Consumer-Friendly Version of the policy with Bullet points versus sentence structure.
17. Clarify that all days are calendar days, and deadlines can only fall on a workday.
18. Why was Area Program (AP) used instead of Local Management Entity (LME)? (The Division edited this and we are following protocol.)
19. Support the principle of consistency with all LMEs following the same policy. (We agree with the principle.)
20. The SCFAC recommends that the Customer Service and Consumer Rights Offices be a neutral/ independent department within the LME, and the staff of this office will need to report directly to the LME Director.
21. Clarify whose job it is to help consumers with the policy (filing, understanding the process, etc.). (We expect Customer Service and Consumer Rights offices to provide this support)
22. Ensure that the complainant is notified by phone that the complaint is received, and that the complainant will be notified as soon as possible whether conflict resolution or an investigation will occur. (We agree and will clarify.)
23. A request was made regarding the extension of time for the policy comment period. (We have extended time until 1-31-05, in order provide time for consumers and CFACs to make recommendations)
24. It was recommended to personally call or contact the consumer to explain the changes in services, because persons may have difficulty reading and/or understanding letters. (We absolutely support this and will encourage LMEs to support it.)
25. It would be helpful to develop a glossary, because there are too many abbreviations. (We will do that.)
26. It was unanimous among SCFAC members that all local offices be called Customer Service and Consumer Rights offices. (This will allow consistency across the State).
27. LMEs should be encouraged to develop a listing of advocacy groups and contact information that can be provided to consumers and families for additional support.
28. Please use "Clearer Writing and Larger Font".



